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10/083,432

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Petri Hyypa

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ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

SHAH, AMEE A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/083,432 | <b>Applicant(s)</b><br>HYPPA ET AL. |  |
|                              | <b>Examiner</b><br>Amea A. Shah      | <b>Art Unit</b><br>3625             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18,20,21 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,20,21 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 1-18, 20, 21 and 25-28 are pending in this action.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2006, has been entered. Claims 1, 8, 20, 25 and 26 have been amended, claim 19 has been cancelled, claims 22-24 have been withdrawn, and claims 27 and 28 have been added.

#### ***Response to Arguments***

Applicant's arguments filed May 23, 2006, have been fully considered but they are not persuasive. Applicant argues that none of the prior art, but essentially Rhoads, does not teach or suggest transmitting the data entity from an element of a mobile communication network to the user equipment over a wireless interface, as recited by amended claim 1 (Remarks, page 9). The Examiner disagrees. Rhoads does teach or suggest transmitting the data entity, i.e. the watermark, from an element of a mobile communication network to the user equipment. The watermarks are embedded in the songs, and as the songs are transmitted from an element of a mobile communication network to the user equipment over a wireless network, so too are the watermarks (*see* Fig. 1, 3 and 4, and pages 1, 2 and 8-10, ¶¶ 0015-0017, 0108-0111, 0120, 0123

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and 0136). In view of the foregoing, the rejections of all of the claims are sustainable in view of Rhoads.

***Examiner Note***

Examiner cites particular pages, columns, paragraphs, and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of 35 U.S.C. 102(e) that forms the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4-6, 9-11, 15-18, 20, 21 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads, Pub. No. US 2004/0128514 A1 (“Rhoads”).**

Referring to claim 1. Rhoads discloses a method in a system wherein a user equipment and another party are enabled to exchange transaction data, the method comprising:

- generating a data entity that associates with a transaction (page 6, ¶¶0075-0077 – note that the data entity generator is the encoding process and the data entity is the watermark);

- including information of an object that associates with the transaction in the data entity (page 6, ¶¶0078-0079 and page 10, ¶136 – note that examples of the information about the object include title and artist name);

transmitting the data entity from an element of a mobile communication network to the user equipment over a wireless interface (Figs. 1, 3 and 4, and pages 1, 2 and 8-10, , ¶¶0015-0017, 0108-0111, 0120, 0123 and 0136 – note the watermark is embedded in and transmitted with the songs); and

- downloading to the user equipment additional information that associates with the transaction based on said information of the object (page 10, ¶0136 – note that the additional information is, for example, the tour schedule).

Referring to claim 4. Rhoads further discloses the method as claimed in claim 1 wherein the object comprises a storage means for storing information that associates with the subject of the transaction (pages 2 and 6, ¶¶0019 and 0076 - note that the storage means is enclosed in the data payload encoded by the watermark).

Referring to claim 5. Rhoads further discloses the method as claimed in claim 1 wherein the user equipment initiates procedure for establishment of a communication media between the user equipment and the object based on said information of the object (pages 2 and 3, ¶¶0023 and 0038 - note that the user equipment initiating procedure is pressing of a button or spoken commands).

Referring to claim 6. Rhoads further discloses the method as claimed in claim 1, wherein the object is controlled by a third party (Fig. 4 and page 12, ¶0169 – note that the third party is a music provider).

Referring to claims 9 and 10. Rhoads further discloses the method as claimed in claim 1 wherein the additional information relates with at least one characteristic of the subject of the transaction (claim 9), and wherein the at least one characteristic relates to a specific product or service (pages 3 and 10, ¶¶0040 and 0135 – note that the additional information relating to at least one characteristic can free streaming audio or music clips).

Referring to claim 11. Rhoads further discloses the method as claimed in claim 1, wherein the additional information is provided by communication comprising speech (page 8, ¶¶0113-0115 – note that the communication comprising speech is the computer speech technology).

Referring to claim 15. Rhoads further discloses the method as claimed in claim 1, wherein the data entity is for provision of a receipt (page 14, ¶0188).

Referring to claims 16 and 17. Rhoads further discloses the method as claimed in claim 1, wherein the data entity is for provision of an offer (claim 16) and wherein the data entity is for provision of conditions for sale (claim 17) (pages 3, 6 and 10, ¶¶0040, 0079 and 0135 – note that the provision of an offer and of conditions for sale are the information about price and other buying opportunities).

Referring to claim 18. Rhoads further discloses the method as claimed in claim 1, wherein the data entity is based on an electronic data card format (page 27, ¶¶0400-0406).

Referring to claim 20. Rhoads further discloses the method as claimed in claim 1, wherein the user equipment communicates via a local wireless link with another station (Figs. 1 and 4 and page 4, ¶0049 – note that the other station is the friend).

Referring to claim 21. Rhoads further discloses the method as claimed in claim 1 wherein the user equipment communicates via at least two different communication means (pages 1-2, ¶¶0015-0016 – note the two different means are radio and IR).

Referring to claim 25. Rhoads discloses a mobile user equipment adapted for processing electronic transactions, comprising:

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- communication mechanism means for communicating with a remote unit to be provided with a data entity transmitted to the mobile user equipment by an element of a mobile communication network, said data entity including transaction data and information of an object associated with the transaction (Fig. 3 and pages 1-2, ¶¶0009-0017 – note the mobile communication network encompasses the wireless interface which can be a cellular repeater); and

- control means for processing the data entity, said control means being adapted to request for additional information based on said information of the object (Fig. 3 and pages 1-2, ¶¶0009-0017 – note the control means is the processor).

Referring to claim 26. Rhoads discloses an apparatus for facilitating communication of transaction data with user entity, said apparatus comprising:

- an element of a mobile communication network comprising communication means for transmitting a data entity to the user equipment over a wireless interface, the data entity including transaction data and information of an object associated with the transaction (Figs. 3 and 4 and pages 1-2, ¶¶0015-0017 – note the communication means comprises the relay station and cellular repeater); and

- control means of the user equipment for processing the received data entity, said control means configured to request for additional information based on said information of the object (Fig. 3 and page 1, ¶¶0009-0011 – note the control means is the processor).

Referring to claim 27. Rhoads discloses a mobile user equipment for processing electronic transactions, comprising:

- communication mechanism means for communicating over a local wireless link with another station to be provided with a data entity transmitted to the mobile user equipment by an element of a mobile communication network, said data entity including transaction data and information of an object associated with the transaction (Fig. 3 and pages 1-2 and 4, ¶¶0009-0017 and 0049 – note the mobile communication network encompasses the wireless interface which can be a cellular repeater and the other station is a friend); and
- control means for processing the data entity, said control means being adapted to request for additional information based on said information of the object (Fig. 3 and pages 1-2, ¶¶0009-0017 – note the control means is the processor).

Referring to claim 28. Rhoads discloses an apparatus for facilitating communication of transaction data with user entity, said apparatus comprising:

- communication means for transmitting a data entity to the user equipment over a local wireless link with another station, the data entity including transaction data and information of an object associated with the transaction (Figs. 3 and 4 and pages 1-2 and 4, ¶¶0015-0017 and 0049 – note the communication means comprises the relay station and cellular repeater and the other station is a friend); and
- control means of the user equipment for processing the received data entity, said control means configured to request for additional information based on said information of the object (Fig. 3 and page 1, ¶¶0009-0011 – note the control means is the processor).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 2, 3, 7, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads in view of Levy et al., US Pat. No. 6,505,160 ("Levy et al.").**

Referring to claims 2, 3, 7 and 8. Rhoads discloses the method as claimed in claim 1, as discussed above, wherein the information of the object can be internet links associated with the object (page 3, ¶0040), but does not explicitly disclose wherein the information of the object comprises a communication network address of the object (claim 2), wherein the information of the object comprises a universal resource locator (URL) (claim 3), wherein the object comprises a site in a data network (claim 7) and wherein the site comprises a document that is retrievable from a server, said server being run by the producer of the object of the transaction (claim 8).

Levy et al., in the same field of endeavor of exchanging transaction data, discloses a method and system for a user equipment and another party to exchange transaction data including generating a data entity that associates with a transaction including information of an object that associates with the transaction in the data entity, transmitting the data entity to the user equipment over a wireless interface and downloading to the user equipment additional information that associates with the transaction based on said information of the object (Fig. 1 and col. 3, lines 12 through col. 4, line 32), wherein the information of the object comprises a communication network address of the object (claim 2), wherein the information of the object comprises a universal resource locator (URL) (claim 3), wherein the object comprises a site in a data network (claim 7) and wherein the site comprises a document that is retrievable from a server, said server being run by the producer of the object of the transaction (claim 8) (col. 2, lines 48-53, col. 5, lines 51-66, and col. 6, lines 43-51 – note that the document is the webpage of information).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Levy et al. to allow for the information of the object to comprises a communication network address of the object or a URL, for the object to comprise a site in a data network, and for the site to comprise a document that is retrievable from a server. Doing so would allow for the user to be better able to obtain useful or helpful information relating to the object or song, such as where else to find it, so that the user is more easily able to locate and buy the object or song and so that artists/record labels can promote their music and concerts, as explicitly suggested by Levy et al. (col. 2, lines 57-61), or other commerce opportunities, as explicitly suggested by Rhoads (page 3, ¶0040).

Referring to claims 13 and 14. Rhoads discloses the method as claimed in claim 1, but does not explicitly disclose wherein an indicator is displayed to the user of the user equipment based on said information of the object (claim 13) and wherein the user may request additional information by selecting the displayed indicator (claim 14).

Levy et al., in the same field of endeavor of exchanging transaction data, discloses a method and system for a user equipment and another party to exchange transaction data including generating a data entity that associates with a transaction including information of an object that associates with the transaction in the data entity, transmitting the data entity to the user equipment over a wireless interface and downloading to the user equipment additional information that associates with the transaction based on said information of the object (Fig. 1 and col. 3, lines 12 through col. 4, line 32), wherein an indicator is displayed to the user of the user equipment based on said information of the object and wherein the user may request additional information by selecting the displayed indicator (claim 14) (col. 6, lines 29-42 – note that the indicator is a window with user options).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Levy et al. to allow for an indicator to be displayed to the user of the user equipment based on said information of the object and for a user to request additional information by selecting the displayed indicator. Doing so would allow for the user to be better able to obtain useful or helpful information relating to the object or song, such as where else to find it, so that the user is more easily able to locate and buy the object or song and so that artists/record labels can more readily promote their

music and concerts, as explicitly suggested by Levy et al. (col. 2, lines 57-61), or other commerce opportunities, as explicitly suggested by Rhoads (page 3, ¶0040)

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads in view of Nel, U.S. Patent No. 6,363,364 B1 (“Nel”).**

Referring to claim 12. Rhoads discloses the method as claimed in claim 11, as analyzed and discussed above, but does not disclose wherein the user of the user equipment establishes a communication media with a person based on said information of the object. Nel, in the same field of endeavor of e-shopping, discloses a system and method for interactive data exchange, including a user base, remote network and telephone network, wherein the user establishes a communication media with a person based on information of an object (Nel, col. 5, lines 10-18 – note that the communication media is through the interactive voice response system).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Nel to allow for the user of the user equipment to establish a communication media with a person based on the information of the object. Doing so would provide the user with a fully interactive, and more convenient, method for conducting home shopping, as explicitly disclosed in Nel (col. 1, lines 12-17).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Fadok can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

June 14, 2006

  
Y. C. Gao  
Primary Ex